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COOPERATION OF HUMAN RIGHTS TREATY BODIES WITH UNITED NATIONS DEPARTMENTS, SPECIALIZED AGENCIES, FUNDS, PROGRAMMES AND MECHANISMS AND NON-GOVERNMENTAL ORGANIZATIONS

STATUS OF THE PLANS OF ACTION

ESTABLISHMENT OF INDICATORS/BENCHMARKS TO ASSESS THE REALIZATION OF HUMAN RIGHTS

Follow-up to the eleventh meeting

Report of the secretariat

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Introduction

1. At their eleventh meeting in May 1999, the chairpersons discussed, inter alia, the issues of: (a) cooperation with United Nations departments, specialized agencies, funds, programmes and mechanisms, and non-governmental organizations; (b) the status of the Plans of Action to strengthen the implementation of the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and (c) the establishment of indicators/benchmarks to assess the realization of human rights. The present report contains information on relevant developments in these areas since that meeting.[1]

I. COOPERATION OF HUMAN RIGHTS TREATY BODIES WITH UNITED NATIONS DEPARTMENTS, SPECIALIZED AGENCIES, FUNDS, PROGRAMMES AND MECHANISMS AND NON-GOVERNMENTAL ORGANIZATIONS

2. At their eleventh meeting, the chairpersons underlined the importance of the supportive work of and fruitful cooperation with a number of departments, specialized agencies, funds, programmes and mechanisms of the United Nations and non-governmental organizations.

3. The treaty bodies have developed close relations with a number of specialized agencies. The United Nations Children's Fund (UNICEF) systematically provides country information and thematic input to the treaty bodies and participates in their sessions and pre-sessional working groups. In addition, the critical role of UNICEF in promoting the ratification of the Convention on the Rights of the Child in the past, and the Convention on the Elimination of All Forms of Discrimination against Women today, has been well documented elsewhere. The International Labour Organization (ILO) routinely provides information to several treaty bodies, particularly the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination. The United Nations High Commissioner for Refugees collaborates most closely with the Committee against Torture and the Human Rights Committee but also has collaborated with other treaty bodies in respect of certain issues or themes of direct relevance to its own areas of competence. Many of these organizations have also contributed substantively to the days of general discussion of the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child, as well as to the formulation of general comments or recommendations. In this respect, it is noted that the United Nations Educational, Scientific and Cultural Organization (UNESCO) provided valuable input to the Committee on Economic, Social and Cultural Rights in its preparation of a general comment on the right to education.

4. In addition to such steady, ongoing contributions from traditional United Nations partners of the human rights treaty system, important new advances have also taken place since the eleventh meeting of chairpersons with respect to the United Nations Development Programme (UNDP), the World Health Organization (WHO) and the Food and Agriculture Organization of the United Nations (FAO).

5. The chairpersons were informed of ongoing cooperation between the Office of the High Commissioner for Human Rights (OHCHR) and UNDP being undertaken pursuant to the memorandum of understanding concluded between the two bodies in March 1998. Areas in which cooperation continues to be actively pursued include the programme "Human rights strengthening – HURIST", human rights training for UNDP staff, and involvement in the work of the Committee on Economic, Social and Cultural Rights.

6. UNDP continued to strengthen its ties with the Committee on Economic, Social and Cultural Rights, having identified the Committee as its natural entry point into the work of the conventional human rights mechanisms and singled it out for more active UNDP participation. Since the fall of 1998, the UNDP office in Geneva has regularly attended meetings of the Committee and forwarded information and materials from UNDP country offices. Since 1999, the Committee has requested UNDP resident representatives who are responsible for activities in some States parties whose reports are long overdue to provide advice and assistance to those Governments with respect to their reporting obligations. A productive exchange has or is taking place in respect of several non-reporting States.

7. Since the Committee's twenty-first session in November 1999, interested members of the Committee, members of the secretariat and representatives of UNDP have been meeting informally to discuss ways of stimulating and systematizing cooperation between the Committee and UNDP. These meetings have proven useful in identifying concrete areas for action and developing a workplan thereon.

8. For reasons relating to resource constraints, however, it is not the general policy of UNDP to encourage the participation of resident representatives in treaty body deliberations.[2] Individual resident representatives have discretion in deciding whether or not to participate in deliberations of treaty bodies.

9. UNDP's comparative advantage lies in its network of 134 country offices through which human rights concerns and objectives can be mainstreamed into operational activities (in particular through advocacy during dialogue with Governments and in the design, implementation, monitoring and evaluation of its programmes and projects).[3] UNDP could be an important vehicle for implementing the treaty bodies' observations and recommendations on the realization of human rights. In light of UNDP's work in the areas of poverty, governance, gender and the environment, an undertaking by UNDP to implement the treaty bodies' recommendations would not only be consistent with the aims of both UNDP and the treaty bodies but it would also be mutually reinforcing, with UNDP strengthened by a human rights basis for its work and the recommendations of the treaty bodies made operational by UNDP action.

10. The chairpersons may wish to reflect on the state of cooperation between UNDP and the Committee on Economic, Social and Cultural Rights, with a view to finding ways to institutionalize it in a dynamic system of routine interaction and extending it to the other human rights treaty bodies, as appropriate.

11. Notable progress has also been made in respect of cooperation between the treaty bodies and WHO. In December 1999 and April 2000, informal consultations were held between

OHCHR and WHO to discuss how human rights could be mainstreamed in the work of the latter organization. The consultations were aimed at: exploring a human rights approach to public health; reviewing the origins and past experience in practice of a human rights approach, particularly to issues relating to health; contributing to the preparation of a WHO working paper on health and human rights; and generally discussing the implications for WHO of mainstreaming human rights in its work. The discussions were helpful in enabling WHO to better understand not only how human rights are relevant to its own work but also how it can contribute to the work of the human rights mechanisms, including the treaty bodies.

12. This has strengthened the constructive role played by WHO in respect of the treaty bodies. The Committee on Economic, Social and Cultural Rights is among the first direct beneficiaries of this more active cooperation with WHO, having received extensive expert contributions from WHO in preparation for its general comment on the right to health.

13. FAO has become increasingly involved with the treaty bodies, particularly with respect to, once again, the Committee on Economic, Social and Cultural Rights. Its contributions were particularly helpful to the Committee in its recent development of a general comment on the right to food. FAO has expressed willingness to host exploratory discussions with interested members of the Committee and its secretariat with a view to identifying areas of common interest and possible action.[4] Formal contacts to follow up on that idea should be taking place shortly.

II. STATUS OF THE PLANS OF ACTION

14. At their eleventh meeting, the chairpersons adopted a draft Plan of Action to strengthen the implementation of the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The draft Plan was circulated among all members of the six human rights treaty bodies in October 1999 and finalized thereafter. The final version of the Plan is contained in document HRI/MC/2000/4.

15. The requirements of this Plan, along with those of the Plans of Action to strengthen the implementation of the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights, were included and prioritized in the High Commissioner's first Annual Appeal to Governments for extrabudgetary contributions to support the activities of OHCHR. The Annual Appeal was launched on 26 January 2000.

16. The activities that were to be undertaken from the start of the year 2000 have had to be delayed pending the receipt of contributions and because of the time required to recruit additional staff. The level of contributions received since January is indicative of the importance attached by States to ensuring adequate support to the treaty bodies: as at 5 May 2000, contributions have been received from the Governments of the United Kingdom of Great Britain and Northern Ireland, Finland, Denmark, Sweden, Saudi Arabia, Norway, Brazil, the Philippines, the Czech Republic and Kyrgyzstan and from the Conrad Hilton Foundation of the United States. In addition, contributions have also been pledged, but not yet been received, from the Governments of Sweden, Belgium and Luxembourg, with an additional pledge from the Government of the United Kingdom.

17. Among the goals of the three Plans for the year 2000, priority has been placed on:

(a) Reinforcing the support provided to the communications procedures, including development of a communications database;

(b) Maintaining the level of support provided to the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights which has been made possible in recent years through their respective Plans of Action;

(c) Strengthening general support to the Committee on the Elimination of Racial Discrimination and the Committee against Torture;

(d) Ensuring that funds are available to enable the Committee against Torture to address urgent matters; and

(e) Resuming work on improving the treaty body database.

The contributions and pledges referred to in paragraph 16 will allow these priorities to be addressed for the remainder of the year.

18. The contracts of staff already serving under the Plans of Action for the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights have been extended to ensure continuity of servicing to the bodies monitoring those treaties. Several of the posts that were foreseen under the Plans but had not yet been filled have been advertised and the recruitment process is expected to be concluded in the very near future.

19. The Plan of Action for the Convention on the Rights of the Child has enabled strong support to continue to be provided to the Committee on the Rights of the Child, including through new sophisticated country analyses to assist the Committee in its examination of States parties' reports; a periodic survey of relevant technical cooperation projects being implemented by OHCHR, UNICEF and other partners to facilitate follow-up to the recommendations of the Committee; and the design of OHCHR technical cooperation projects. In November 1999, a special two-day general discussion was held to commemorate the tenth anniversary of the adoption of the Convention, in which the major achievements of the past 10 years were reviewed and future challenges discussed. In December 1999, a workshop was organized in Haiti under the Plan to train government officials on the preparation of reports under the Convention. Provision of assistance is envisaged under the Plan for the formulation of the Committee's first general comment later this year on the aims of education. Necessary assistance for this may include the hiring of a consultant and the organization of an expert meeting.

20. The Plan of Action to strengthen the implementation of the International Covenant on Economic, Social and Cultural Rights was launched in May 1997 to reinforce the assistance available to the Committee on Economic, Social and Cultural Rights. In addition to improved servicing of the Committee, the Plan has made possible strengthened cooperation with the Committee's partners in the United Nations system, as noted in section I of the present report, and improved contributions to activities undertaken under the Technical Cooperation Programme

in the Field of Human Rights relating to economic, social and cultural rights and reporting under the Covenant. Of the two-member specialist support team foreseen under the Plan, one post was filled in May 1999. The second will be filled when additional funds become available.

III. ESTABLISHMENT OF INDICATORS/BENCHMARKERS TO ASSESS THE REALIZATION OF HUMAN RIGHTS

21. The year 1999 saw great progress in the mainstreaming of human rights in the United Nations system across many traditionally separate spheres of activity. Work on the mainstreaming of human rights has created unprecedented demand for greater understanding of human rights, particularly on how the norms can be translated into practical guidance for action by the operational agencies.

22. Action, however, would need to be preceded by an objective assessment of the human right situation. There is, however, a lack of clear, objective and measurable criteria for assessing compliance with international human rights standards. This is true with respect to economic and social rights, despite the existence of many useful socio-economic indicators, but even more so in the case of civil and political rights. The conceptualization of "human rights indicators" has therefore become an area of great interest to a range of institutions. Below is a brief outline of the major developments.

Common country assessment (CCA)

23. In accordance with the Secretary-General's identification of human rights as cross-cutting issues affecting the work of the entire United Nations Organization, a steady ongoing effort to mainstream human rights in all the mandates serviced and operations performed by the Organization has been made. For managerial and operational purposes, the work of the Organization has been organized in four main categories, each directed by an executive committee that reports directly to the Secretary-General on peace and security, humanitarian affairs, economic and social affairs and development. As human rights have been identified as a key component of all categories - a unique status conferred only upon human rights - the Office of the High Commissioner for Human Rights participates in all executive committees.

24. The operational activities of the United Nations at the country level are based on a preliminary assessment of the country situation, identifying the priority areas where assistance is required and the United Nations units that should provide it. In the past, such assessments, whether called "country strategy notes" (CSN), "common country strategies" (CCS), or other titles, may have contained some human rights elements in relation to specific countries but they never systematically included human rights. Since the establishment of the executive committees, however, a new method of assessing country situations has been developed, referred to as the "common country assessment" (CCA) by the executive committee responsible for development issues (the United Nations Development Group-UNDG). For the first time, human rights were incorporated at the design level of the Organization's operational activities.

25. The question naturally arose of how the situation of human rights in a country could be assessed for the United Nations team operating in that country. When the member departments

and agencies of UNDG were requested to provide indicators on which such assessments would be based, all were able to suggest indicators which were representative of the situation with regard to the specific issues addressed by each of them.

26. OHCHR needed to ensure that human rights were included in the CCA. However, unlike other United Nations agencies, it could not offer already formulated and tested indicators on its main mandate - human rights - particularly with regard to civil and political rights. With regard to economic and social rights, the specialized agencies were able to offer a number of key indicators in such areas as health (WHO), education (UNESCO), poverty (UNDP), food security (World Food Programme), gender equality (United Nations Development Fund for Women) shelter (United Nations Centre for Human Settlements-Habitat), etc. No comparable indicators existed in the area of civil and political rights.

27. OHCHR therefore embarked, through UNDG, on an examination of possible indicators in some of the key areas not already covered. After difficult negotiations, UNDG decided to include the following issues within civil and political rights (see CCA guidelines for formulation of indicators): ratification of the human rights treaties, democratic institutions and popular participation, administration of justice, framework for remedies, and liberty and security of person.

Organization for Economic Cooperation and Development (OECD)

28. At the same time, the OECD was examining the question of how indicators could be used to better monitor the effectiveness of the development aid provided by its members. The members of the Development Assistance Committee (OECD/DAC), recognizing that an important component of development was participatory development and good governance (PD/GG), had examined the possibility of developing indicators for these areas since 1997 but had not come to an agreement on what specific indicators would be useful.

29. In 1999, an informal network on PD/GG within DAC revisited this question. Reaffirming the need for clear and not overly ambitious benchmarks for measuring progress in governance, in April 1999 it decided to establish a technical working group to suggest possible PD/GG indicators and to explore their methodological and operational implications. OHCHR was requested to lead the working group.

30. A compilation of indicators in use or suggested by DAC member agencies was compiled by the OECD secretariat in August 1999. These were discussed at a meeting of the technical working group in September 1999, where three electronic working groups were established to elaborate further the suggested indicators taking into account suggestions and comments made at the meeting. These electronic working groups submitted their recommendations to the technical working group in November 1999.

31. The outcomes of the technical working group were presented to the UN/OECD/World Bank/IMF joint Forum on Development Progress held at the OECD in Paris on 9 and 10 March 2000. The main objective of the Forum was to examine the policy changes required by donors and partners alike if international development goals are to be

achieved. The Forum discussed the suggested indicators for PD/GG as one possible basis for a UN/OECD/DAC/World Bank/IMF joint policy report, entitled "A Better World For All: Progress Towards the International Development Goals."

32. The joint policy report addresses seven major international development goals: poverty, education, gender, infant and child mortality, maternal mortality, reproductive health, and environment. While the report suggests a number of indicators for these international development goals as well as strategies for their achievement, the role of participatory development and good governance as a factor in the process ultimately was not included. The joint policy report will be presented at various forthcoming international forums such as the OECD Ministerial, the "Copenhagen+5" special session of the General Assembly, the Summit of the Group of Eight in Okinawa, the "Beijing+5" special session of the General Assembly and the United Nations Millennium Assembly.

United Nations Development Programme (UNDP)

33. In the spirit of the reform of the United Nations, UNDP has recognized the intrinsic link between human rights and development. Its 1998 policy document, entitled Integrating Human Rights with Sustainable Human Development, was extraordinary in bridging the large gap that had traditionally existed between the fields of human rights and development.

34. The UNDP Human Development Report, which focuses on a different theme each year, will in 2000 be devoted entirely to human rights and will contain a chapter on human rights and indicators. In this chapter UNDP will explore not specific indicators, such as those presented in the CCA framework, but the concept of human rights indicators itself, its usefulness for operational activities, the different types of possible indicators, as well as practical considerations regarding data collection.

Expert seminar on indicators to assess the realization of civil and political rights

35. In light of the various initiatives taking place on the topic of indicators and the evident deficiencies of existing indicators to assess the realization of civil and political rights, OHCHR organized an expert seminar specifically on this topic from 27 to 29 September 1999 to enable an exchange of views among human rights practitioners. The experts included a number of special rapporteurs of the Commission on Human Rights and several treaty body experts.[5]

36. The participants discussed a wide range of concerns in three working groups. Each working group reached agreement on the general usefulness of developing civil and political rights indicators and arrived at a draft list of indicators for further consideration. The participants welcomed the initiatives of OHCHR within UNDG but pointed out that there was a clear need to refine and supplement the indicators proposed by OHCHR. They also agreed that, with respect to many rights, the traditional indicator approach using only quantitative or yes/no data might not always be sufficient to reflect the general situation; in many instances, such data might need to be supplemented with qualitative indicators or explanatory text. It was noted that some qualitative indicators had already been proposed within the CCA and the OECD/DAC

Technical Working Group on PD/GG. A main problem would be how to formulate such indicators so as to make them as objective as possible and thereby minimize the subjectivity of the provider of the information.

37. The hope was expressed that the seminar would be followed by others in order to continue to build upon and further refine the work undertaken.

International Association for Official Statistics (IAOS)

38. The IAOS has taken a special interest in the question of the contribution of official statistics in democratic societies. On behalf of IAOS, the Swiss Federal Statistical Office and the Swiss Development and Cooperation Agency are organizing a conference on "Statistics, Development and Human Rights" in September 2000 at which a number of United Nations experts will participate.

39. The aims of the conference are: (a) to consider the development and use of official statistics as a tool for observing and measuring the fulfilment of human rights and human development; (b) to promote a dialogue and a multidisciplinary exchange of experiences between those who generate and those who use official statistics, among the latter, in particular those involved in human rights, policy formulation, scientific research and analysis, and the media; and (c) to allow individuals, research institutes, non-governmental organizations and international organizations active in the fields of statistics, development and human rights to exchange views and information, strengthen links of cooperation and consider possible future joint endeavours.

40. Thus, the conference will build upon the work of the September 1999 seminar organized by OHCHR. The conference should allow the discussion on human rights indicators to advance from conceptual considerations to their actual development.

Right to education

41. In its resolution 2000/9, the Commission on Human Rights requested OHCHR to organize in 2001 a workshop to identify progressive developmental benchmarks and indicators related to the right to education which, in the words of Commission resolution 1999/25, could inform the work of the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child and other human rights treaty bodies and human rights mechanisms, United Nations specialized agencies, Funds and Programmes. Pursuant to resolution 2000/9, OHCHR will organize such a workshop in consultation with the treaty bodies, in particular the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child, as well as the Special Rapporteur of the Commission on Human Rights on the right to education.

IV. OTHER MATTERS

42. The attention of the chairpersons is drawn to the report of the secretariat entitled "Recent reporting history under the principal international human rights instruments as of 31 March 2000" (HRI/GEN/4), prepared pursuant to a recommendation of the eleventh meeting of chairpersons.[6]

43. At the request of the General Assembly,[7] a report of the Secretary-General entitled "Compilation of guidelines on the form and content of reports to be submitted by States parties to the international human rights treaties" (HRI/GEN/2) has been prepared.

Notes

[1] See A/54/805, annex.

[2] Decision taken at UNDP Extended Executive Committee Meeting of 11-13 May 1999.

[3] See General Comment No. 2 (1990) adopted by the Committee on Economic, Social and Cultural Rights.

[4] See E/CN.4/2000/98/Add.1, para. 5.

[5] Mrs. Aida Gonzalez, chairperson of CEDAW, Mr. Mahmoud Aboul-Nasr, chairperson of CERD and Mr. Andreas Movrommatis, member of CAT.

[6] See A/54/805, annex, para. 58.

[7] Resolution 53/138 of 9 December 1998, para. 18.